

REMARKS

The specification and the abstract have been amended to employ more idiomatic English and to correct minor clerical errors. No new matter has been entered.

The finality of the restriction requirement is noted. Applicants confirm their election of claim Group I, and request that the non-elected claims be maintained in this application, without further action, for possible rejoinder and/or for filing of a divisional application.

Turning to the art rejections, and considering first the rejection of claims 7-9, 24-26, 33 and 36, as anticipated by Klein, claim 9 has been cancelled, thus rendering moot the rejection of that claim. As for the remaining claims, independent claim 7 has been amended to specify, in part, that the light emitters and the light detectors are arranged as arrays encircling the elongated vessel or tubing at longitudinally different locations along the vessel or tubing. Independent claim 7 also requires that the light emitters and the light detectors are aimed so that the detectors do not directly intercept light from the emitters. Klein doesn't teach these features. Thus, on this basis alone, claim 7 and the several claims which depend on or relate back to claim 7 cannot be said to be anticipated by Klein.

Turning to the rejection of claim 23, 38 and 39 as obvious from Klein in view of Nagai, claims 23, 38 and 39 are all directly dependent on claim 7. The deficiencies of the primary reference Klein vis-à-vis claim 7 are discussed above. It is not seen that Nagai supplies the missing teachings to Klein to achieve or render obvious claim 7 or claims 23, 38 and 39 which depend thereon. Nagai teaches tapered tubing that is formed into an orifice section having a square cross-section. However, Nagai's tubing outer shape is round, not flat. Nagai does not teach a holder with a v-shaped recess as required by claim 23. Rather in Nagai, the tubing itself is tapered and shaped to have an orifice section 13 having a square cross-section. Thus, no

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combination of Klein and Nagai reasonably could be said to achieve or render obvious claim 23. Claims 38 and 39 contain similar limitations as does claim 23 and allowable over Klein in view of Nagai for the same reasons above adduced relative to claim 23.

Turning to the rejection of claims 30, 35 and 37 as obvious from Klein in view of Stone et al., claims 30, 35 and 37 are all linked to claim 7 and contain the same limitations as claim 7. The deficiencies of Klein vis-à-vis claim 7 are discussed above. Even assuming arguendo Stone et al. is as the Examiner characterizes it, Stone et al. does not supply the missing teachings to Klein to achieve or render obvious claim 7. Accordingly, no combination of Klein and Stone et al. reasonably could be said to achieve or render obvious claim 7 or claims 30, 35 and 37 which are linked thereto.

Turning finally to the rejection of claim 40 as obvious from Klein in view of Stone et al. and further in view of Nagai, claim 40 is indirectly dependent on claim 7. The deficiencies of the primary reference Klein and the secondary references Stone et al. and Nagai vis-à-vis claim 7 are discussed above. It is submitted that no combination of Klein, Stone et al. and Nagai reasonably could be said to achieve or render obvious claim 7 or claim 40 which is indirectly dependent thereon.

The indicated allowability of claims 10, 27, 28 and 34 is noted, with thanks. However, in view of the foregoing amendments and comments it is believed that all of the claims, including new claims 41-42 which have been added to further scope the invention, and also are dependent directly on or linked to claim 7 are also allowable over the art.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

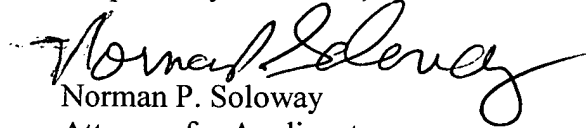
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Form PTO-2038 authorizing credit card payment in the amount of \$270.00 to cover the cost of the Petition for One Month Extension and two added dependent claims accompanies this Amendment.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

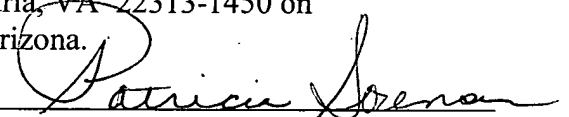
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 17, 2007, at Tucson, Arizona.

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